

REMARKS

Status of the Claims

Claims 1-4, 7-10, and 22-25 are pending in this application. The Examiner has withdrawn claim 4. Claims 1 and 22 are hereby amended. No new subject matter is introduced by the amendments to the claims.

Support for the amended claims 1 and 22 may be found throughout the specification and at least at page 6, lines 5-20, page 14, lines 26-28, and Figures 1a and 1b.

Following entry of the present amendment, claims 1-3, 7-10, and 22-25 are pending, with amended claims 1 and 22 being the only independent claims. Attached is a marked-up copy of the amended claims and a clean copy of all of the claims pending following entry of the present amendment.

Rejections of the Claims

Claims 1-3, 7 and 8 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 5,843,019 to Eggers et al. (hereinafter "Eggers"), and pending claims 9 and 10 are rejected under 35 U.S.C. §103(a) over Eggers. Claims 22-25 are rejected under 35 U.S.C. §103(a) over Eggers in view of U.S. Patent No. 5,403,331 to Abele et al.

Amended independent claim 1 is directed to an electrosurgical device comprising a single loop electrode comprising a pair of end sections, a ceramic coating disposed over the entire length of each of the end sections, and a base section. The base section consisting of a continuous curve disposed between the end sections that is free of the ceramic coating and is adapted to contact tissue.

A proper 35 U.S.C. §102(e) rejection requires that each and every element of the claim be taught by the reference. In contrast to Applicant's claimed invention, Eggers' fails to teach or suggest an electrode having a pair of end sections disposed with a ceramic coating over the entire length of each of the end sections, and a base section

consisting of a continuous curve and free of ceramic coating. Therefore, Eggers does not disclose each and every element of Applicant's claimed invention and is an improper reference under U.S.C. §102(e).

Claims 2-3 and 7-10 depend from amended claim 1 and thus are patentable for at least all of the reasons for which claim 1 is patentable.

Claims 22-25 are rejected under 35 U.S.C. §103(a) over Eggers in view of U.S. Patent No. 5,403,311 to Abele et al. (hereinafter "Abele"). Amended independent claim 22 is directed to an electrosurgical device comprising a single loop electrode comprising a pair of end sections and a base section consisting of a continuous curve and having a conductive coating disposed thereon, and a pair of end sections being free of the conductive coating.

Eggers, described above, fails to teach or suggest an electrode having end sections and a continuously curved base section, the continuously curved base section having a conductive coating while the end sections are free of a coating. Thus, Eggers fails to teach or suggest a conductive coating selectively disposed on the base section of the electrode. Abele does not cure the deficiencies of Eggers. Abele teaches a catheter in which a "[r]ounded end portion 52 is fabricated from a refractory material such as ceramic and is entirely coated with a conductive metal, such as gold to provide a first electrode of the catheter." (col. 8, lines 59-64, emphasis added). Thus, Abele teaches away from Applicant's claimed invention because Abele teaches that the entire electrode is coated, not selective coating of the base section of the electrode as claimed by Applicants.

Accordingly, Eggers and Abele alone or combined fail to teach or suggest an electrode consisting of a continuously curved base section with a conductive coating disposed on the base section and end sections free of conductive coating. For the foregoing reasons, Applicant's submit that amended independent claim 22 is patentable over Eggers in view of Abele and Applicant's respectfully request the withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 23-25 which depend from claim 22 are patentable for at least all of the reasons for which claim 22 is patentable.


CONCLUSION

In view of the foregoing, Applicants request withdrawal of all rejections and allowance of pending claims 1-3, 7-10, and 22-25 in due course. The Examiner is invited to contact Applicant's undersigned representative with any comments, questions, or any remaining issues.

Respectfully submitted,

Date: September 14, 2001

Tel. No.: (617) 248-7044
Fax No.: (617) 248-7100



Ronda P. Moore, D.V.M.
Reg. No.: 44,244
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110-2704



MARKED-UP VERSION OF CLAIM AMENDMENTS

1. (Amended) An electrosurgical device comprising:

an elongated body including a proximal end and a distal end and defining a longitudinal axis, a pair of arms coupled to the distal end of the elongated body; and

a single loop electrode coupled to the arms and substantially perpendicular to the longitudinal axis, the electrode comprising a conductive material, a pair of end sections extending from the arms, a ceramic coating disposed over the entire length of each of the end sections, and a base section, the base section [forming] consisting of a continuous curve [and] disposed between the end sections and adapted to contact tissue, [each of the end sections extending from the base section to one of the arms, a ceramic coating disposed over the entire length of each of the end sections,] the continuously curved base section being free of the ceramic coating, wherein energy applied to the electrode is focused at the continuously curved base section.

22. (Amended) An electrosurgical device comprising:

an elongated body including a proximal end and a distal end and defining a longitudinal axis, a pair of arms coupled to the distal end of the elongated body; and

a single loop electrode coupled to the arms, the electrode comprising a ceramic material, a base section, the base section consisting of a continuous curve adapted to contact tissue, a conductive coating selectively disposed on the base section, and a pair of end sections extending from the arms to the base section and being free of the conductive coating, wherein energy applied to the electrode is focused at the continuously curved base section. [and substantially perpendicular to the longitudinal axis, the electrode

comprising a ceramic material, a pair of end sections, and a base section, the base section forming a continuous curve, and disposed between the end sections, each of the end sections extending from the base section to one of the arms, the base section having a metal coating disposed thereon and adapted to contact tissue, the end sections being free of the metal coating.]